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America, Inc.; ESA P Portfolio, L.L.C.; and
ESA P Portfolio Operating Lessee, LLC*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARCY C., pseudonymously,

Plaintiff,

vs.

MGM RESORTS INTERNATIONAL; THE
MIRAGE CASINO-HOTEL, LLC; NEW
CASTLE, LLC; TREASURE ISLAND LV,
LLC; PHILLIP E. RUFFIN; PARBALL
NEWCO, LLC; PHWL, LLC; RIO
PROPERTIES, LLC; VENETIAN LAS
VEGAS GAMING, LLC.; WYNN LAS
VEGAS, LLC,

Defendants.

Case No. 2:24-cv-2027

PLAINTIFF AND DEFENDANTS
EXTENDED STAY AMERICA, INC., ESA
P PORTFOLIO L.L.C., AND ESA P
PORTFOLIO OPERATING LESSEE LLC'S
STIPULATION OF DISMISSAL AS TO
DEFENDANTS EXTENDED STAY
AMERICA, INC., ESA P PORTFOLIO
L.L.C., AND ESA P PORTFOLIO
OPERATING LESSEE LLC

COMES NOW Plaintiff and Extended Stay America, Inc., ESA P Portfolio L.L.C., and
ESA P Portfolio Operating Lessee LLC (the "ESA Defendants"), who hereby agree, represent,
and stipulate as follows:

1. Plaintiff and the ESA Defendants shall be collectively referred to hereinafter as
the Stipulating Parties.

2. Plaintiff's initial Complaint in this matter, which included claims against the ESA
Defendants, was filed October 3, 2024, in the District Court of Clark County Nevada, and
removed to this Court on October 29, 2024 (the "Nevada Action"). (ECF No. 1).



1 3. On November 1, 2024, the ESA Defendants filed two separate Motions to
2 Dismiss. One for lack of jurisdiction and improper venue (ECF No. 11) and one for failure to
3 state a claim (ECF No. 12).

4 4. On June 6, 2025, Plaintiff filed her Consolidated Response to Defendants' Motion
5 to Dismiss and for Leave to Amend Complaint. (ECF No. 116).

6 5. On July 17, 2025, the Court entered an Order, wherein it ruled, in pertinent part:

7 • The ESA Defendants' motions to dismiss were procedurally improper, because
8 they were not consolidated into a single motion. Thus, the ESA Defendants'
9 motions to dismiss were denied with leave to refile.

10 • The Court allowed Plaintiff to amend her Complaint "reflecting the proper claims,
11 defendants, and venue".

12 6. On July 18, 2025, the ESA Defendants consolidated their prior motions to dismiss
13 and filed the singular Motion to Dismiss Pursuant to FRCP 12(b)(2), 12(b)(3), and 12(b)(6).
14 (ECF No. 136).

15 7. On July 21, 2025, the Plaintiff initiated an action against the ESA Defendants in
16 the United States District Court for the District of Utah (the "Utah Action"). In the Utah Action,
17 Plaintiff essentially re-filed the claims against the ESA Defendants which she originally brought
18 in the Nevada Action.

19 8. On August 1, 2025, the Plaintiff filed her First Amended Complaint herein
20 ("FAC"). (ECF No. 139). Because Plaintiff was proceeding against the ESA Defendants in the
21 Utah Action, she dropped her claims against the ESA Defendants in the Nevada Action.
22 Plaintiff's FAC does not name and makes no claims against the ESA Defendants.

23 9. On October 10, 2025, the Court entered an Order denying the ESA Defendant's
24 July 18th Motion to Dismiss as moot, holding that the FAC had superseded the original
25 Complaint. (ECF No. 166).

26 10. The Stipulating Parties understand that, per the FAC, there are presently no claims
27 pending against the ESA Defendants in the Nevada Action.

28 11. However, perhaps due to the complex procedural history of this action, the ESA

Defendants appear to remain on the docket as though they are still parties to the Nevada Action.

12. The Stipulating Parties represent and agree that there are no longer any claims against the ESA Defendants that remain pending in the Nevada Action, and that the ESA Defendants are not parties to the Nevada Action.

Accordingly, the Stipulating Parties seek an Order from the Court dismissing the ESA Defendants from the Nevada Action without prejudice and removing the ESA Defendants from this Court's docket.

IT IS SO STIPULATED, through Counsel of Record.

DATED this 31st day of October, 2025.

/s/ Christopher T. Byrd
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/s/ Geoffrey C. Parker, Esq.
(signed with express permission)
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7658 Slate Ridge Blvd.
Reynoldsburg, OH 43068
Attorney for Plaintiff

IT IS SO ORDERED

James C. Mahan
UNITED STATES DISTRICT JUDGE

DATED: November 5, 2025



CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of October, 2025, a true and correct copy of the foregoing PLAINTIFF AND DEFENDANTS EXTENDED STAY AMERICA, INC., ESA P PORTFOLIO L.L.C., AND ESA P PORTFOLIO OPERATING LESSEE LLC'S STIPULATION OF DISMISSAL AS TO DEFENDANTS EXTENDED STAY AMERICA, INC., ESA P PORTFOLIO L.L.C., AND ESA P PORTFOLIO OPERATING LESSEE LLC with the Clerk of Court for the U.S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Christopher T. Byrd

WEINBERG, WHEELER, HUDGINS GUNN &
DIAL, LLC

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